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38991 7590 04/04/2008 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347				
EXAMINER				
TECKLU, ISAAC TUKU				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/714,153

Applicant(s)

JAIN ET AL.

Examiner

ISAAC T. TECKLU

Art Unit

2192

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the amendment filed on 01/03/2008.
2. Claims 18, 21 and 23 have been amended.
3. New claims 24-25 are added.
4. Claim 20 has been cancelled.
5. Claims 1-19 and 21-25 have been reexamined.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-19 and 21-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Ali et al. (US 7,036,049 B2), hereinafter Ali.

As per claim 1, Ali discloses a portal server for a network of computing devices for aggregating application issue data from a plurality of independent software vendors (ISVs) (e.g. FIG. 1, element 110 and related text), the portal being accessible by one or more application developers of the ISVs via a network computing device (e.g. FIG. 1 and related text), the portal server comprising:

a data interface for accessing a plurality of application issue data sources for obtaining application issue data regarding one or more applications associated with each of the ISVs (col. 4: 10-20 "... end users connected via router ... allowing data to be transmitted ...");

a network interface accessible by each of the one or more application developers and e.g. FIG. 1, elements 136, 138 and 140 and 142-148 and related text); and

an aggregation module for aggregating the application data by application (col. 4: 1-10 "... aggregation unit 102 of FIG. 1 generates aggregated statistics file ..." and col. 6: 30-40 "... statistics collection units 314-318 of FIG. 3, aggregation unit 320 of FIG. 3...") and for presenting to each of the one or more application developers via the network interface a customizable user interface that presents aggregated data regarding only the one or more applications associated with that application developer (col. 9:10-30 "... summarize the errors detected and writes a summary record ..." and e.g. FIG. 7 and related text) and omitting application data for applications not associated with that application developer (col. 4: 20-40 "... gathering the appropriate statistics within its associated node segment ..." and e.g. FIG. 8 and related text).

As per claim 2, Ali discloses the portal server according to claim 1, wherein the aggregation module is further operable to prioritize the application data according to at least one criterion at the request of an application developer (col. 7:60-68 "... error associated with a threshold value ..." and e.g. FIG. 6 and 8 and related text).

As per claim 3, Ali discloses the portal server according to claim 2, wherein the at least one criterion includes one or more criteria selected from the group consisting of issue ID, application name (col. 7:60-68 "... error associated with a threshold value ..." and e.g. FIG. 6 and 8 and related text), application version (e.g. FIG. 5 and related text), issue type (e.g. FIG. 5, error type and related text), issue priority (e.g. FIG. 6, row 620 and related text), operating system (e.g. FIG. 6, row 622 and related text), and number of issue reports per issue (e.g. FIG. 7 and related text).

As per claim 4, Ali discloses the portal server according to claim 1, wherein the plurality of application issue data sources comprise a database of logo certification test results performed on at least one application by a party other than the application developer and a database of user-reported computer crash data (e.g. FIG. 8 and related text).

As per claim 5, Ali discloses the portal server according to claim 4, wherein the plurality of application issue data sources further comprise an additional database of application experience test data (col. 8: 1-15 "... errors of this type occur in an interval ...").

As per claim 6, Ali discloses a web portal user interface for presenting application issue data to a user (paragraph [0029] "... through a portal or gateway 104 of Figure 1) comprising:

a search pane for user entry of at least one search term (e.g. Figure 5 and related text), whereby entry of at least one search term coupled with a run command will cause a search to be executed of aggregated application issue data (col. 6: 20-30 "... searching for types of errors as indicated ...") and;

a task pane for user selection of a format for display of application issue data (e.g. FIG. 7 and related text; and

a content pane for display of application issue data (e.g. FIG. 6 and related text).

As per claim 7, Ali discloses the web portal user interface according to claim 6, wherein the user is an application developer of one or more applications, and the application issue data available to the user in the content pane relates to those one or more applications (col. 9:10-30 "... summarize the errors detected and writes a summary record ..." and e.g. FIG. 7 and related text) and omits data related to applications other than the one or more applications (e.g. FIG. 8 and related text).

As per claim 8, Ali discloses the web portal user interface according to claim 7, wherein the task pane contains a listing of available formats (col. 7:60-68 "... error associated with a threshold value ..." and e.g. FIG. 6 and 8 and related text).

As per claim 9, Ali discloses the web portal user interface according to claim 8, wherein the listing of available formats comprises a summary format (e.g. FIG. 8 and related text).

As per claim 10, Ali disclose the web portal user interface according to claim 9, wherein each application issue has associated therewith number of reports of that issue, and wherein the summary format comprises a graphical illustration of the number of reports associated with each of a subset of application issues, each application issue in the subset having associated therewith more reports than any of the remaining issues not in the subset (col. 7:60-68 "... error associated with a threshold value ..." and e.g. FIG. 6 and 8 and related text).

As per claim 11, Ali discloses the web portal user interface according to claim 8, wherein the listing of available formats comprises a format wherein each of the one or more applications is listed and is visually associated with information regarding application issues for that application (e.g. FIG. 6 and related text).

As per claim 12, Ali discloses the web portal user interface according to claim 11, wherein the information visually associated with each of the one or more applications comprises an indication of the total number of issues associated with that application (e.g. FIG. 8 and related text).

As per claim 13, Ali discloses the web portal user interface according to claim 12, wherein the applications issues each have one of a plurality of types, and wherein the

information visually associated with each of the one or more applications comprises an indication of the number of issues of each type associated with that application (e.g. FIG. 7 and related text).

As per claim 14, Ali discloses the web portal user interface according to claim 11, wherein the information visually associated with each of the one or more applications comprises an indication of the total number of issues associated with that application when used in conjunction with an indicated operating system (col. 7:60-68 "... error associated with a threshold value ..." and e.g. FIG. 6 and 8 and related text).

As per claim 15, Ali discloses the web portal user interface according to claim 8, wherein the listing of available formats comprises a format wherein all application issues associated with the one or more applications are presented (e.g. FIG. 6 and related text).

As per claim 16, Ali discloses the web portal user interface according to claim 15, wherein each application issue has an identifier, and wherein within the format wherein all application issues associated with the one or more applications are presented, the application issues are grouped by application issue identifier (col. 7:60-68 "... error associated with a threshold value ..." and e.g. FIG. 6 and 8 and related text).

As per claim 17, Ali discloses disclose wherein the search pane comprises selectable search filters (col. 6: 20-30 "... searching for types of errors as indicated ..." and e.g. FIG. 5 and related text).

As per claim 18 (Currently amended), Ali discloses a method of presenting application issue data regarding one or more software applications to a developer of the one or more software applications comprising:

gathering application issue data from a plurality of data sources (col. 7: 5-15 "... statistics are gathered for ...");

aggregating application issue data such that application issues pertaining to the same application are grouped together (e.g. FIG. 3 and related text); and presenting the aggregated application issue data visually to the developer of the one or more software applications by providing a user with selectable control for altering the order in which the application issues are presented (e.g. FIG. 7-8 and related text).

As per claim 19, Ali discloses the method according to claim 18, wherein gathering application issue data from a plurality of data sources comprises gathering the application issue data from a database storing at least one item of user crash report data and a database storing at least one item of test report data (col. 9:10-30 "... summarize the errors detected and writes a summary record ..." and e.g. FIG. 7 and related text).

As per claim 21 (Currently amended), Ali discloses ~~a method according to claim 18,~~
~~wherein~~ of presenting application issue data regarding one or more software applications to a developer of the one or more software applications comprising:

gathering application issue data from a plurality of data sources (e.g. FIG. 8, 318 and related text);

aggregating application issue data such that application issues pertaining to the same application are grouped together (col. 7:60-68 "... error associated with a threshold value ..." and e.g. FIG. 6 and 8 and related text); and

presenting the aggregated application issue data visually to the developer of the one or more software applications ~~comprises~~ by presenting a subset of the data in a visual page and presenting a user-selectable page control for accessing one or more pages of remaining data (e.g. FIG. 7 and related text).

Per claim 22 this is the computer-readable medium version of the claimed method discussed above (Claim 18), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Ali.

Per claim 23 (Currently amended), this is the apparatus version of the claimed method discussed above (Claim 18), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Ali.

Per claim 24 (New), Ali discloses an apparatus for presenting application issue data regarding one or more software applications to a developer of the one or more software applications comprising:

means for aggregating application issue data such that application issues pertaining to the same application are grouped together (col. 7:60-68 "... error associated with a threshold value ..." and e.g. FIG. 6 and 8 and related text);

means for gathering application issue data from a plurality of data sources (col. 4: 1-10 “... aggregation unit 102 of FIG. 1 generates aggregated statistics file ...” and col. 6: 30-40 “... statistics collection units 314-318 of FIG. 3, aggregation unit 320 of FIG. 3...”); and

means for presenting the aggregated application issue data visually to the developer of the one or more software applications by presenting a subset of the data in a visual page and presenting a user-selectable page control for accessing one or more pages of remaining data (col. 4: 20-40 “... gathering the appropriate statistics within its associated node segment ...” and e.g. FIG. 8 and related text).

Per claim 25 (New), Ali discloses the method according to Claim 21, wherein gathering application issue data from a plurality of data sources comprises gathering the application issue data from a database storing at least one item of user crash report data and a database storing at least one item of test report data (col. 9:10-30 “... summarize the errors detected and writes a summary record ...” and e.g. FIG. 7 and FIG. 8 and related text).

Response to Arguments

8. Applicant's arguments filed on 01/03/2008 have been fully considered but they are not persuasive.

a) The Applicant asserted, “Ali is not directed to the preamble recitation of Claim 1, namely “[a] portal server for a network of computing devices for aggregating application issue

data from a plurality of independent software vendor (ISVs), the portal server being accessible by one or more application developers of the ISVs via a network computing device” (page 9).

The examiner respectfully disagrees with the above assertion. Ali illustrates portal server for a network of computing devices for aggregating application issue data from a plurality of independent software vendors in FIG. 1. Communication networks comprise a plurality of nodes, or switches, which are interconnected to form a web of nodes. Users communicate with other users in the network by transmitting messages and data through the network. Data is routed or switched through a path of connected nodes from the node associated with the sender to the node associated with the recipient. In addition to the above, Ali teaches “statistics collection unit typically sends collected statistics to a statistics aggregation unit for aggregation. It also sends indications of errors encountered when collecting statistics to the statistics aggregation unit. An operator at a network administrator node of the network can then use the indications of errors in the file created by the statistics aggregation unit to maintain the network” (col. 1:55-65). Therefore the above argument is not persuasive.

b) The Applicant asserted, “Ali’s statistic aggregation unit does not aggregate specific ‘application data,’ much less presented the aggregated application data to a user through a customizable user interface.” (page 10).

The examiner respectfully disagrees. The statistics collection unit typically sends collected statistics to a statistics aggregation unit 120 of FIG. 1 for aggregation. It also sends indications of errors encountered (application data) when collecting statistics to the statistics

aggregation unit (emphasis added). An operator at a network administrator node of the network (server) can then use the indications of errors in the file created by the statistics aggregation unit to maintain the network (col. 1:55-65). In addition to the above FIG. 8 illustrates aggregated application data (see e.g. FIG. 8, 804, 806, 810, 812). For example Column 802 of table 800 indicates the interval in which errors were identified. Columns 804 to 812 indicate the number of collection error types encountered in an interval. Columns 814 and 816 indicate the total number of errors and the total number of statistics in an interval, respectively. Column 818 indicates the error percentage for the current interval, as calculated by error monitor 302, based on the values of columns 814 and 816. Furthermore, end users 142, 144, 146 and 148 are connected to the network cloud via an interface to allow data to be transmitted amongst end users (see FIG. 1). Accordingly, the above argument is not persuasive.

c) The Applicant asserted, "In contrast, this clause of Claim 1 recites a data interface of the portal server that interfaces with application issue data sources, not end users." (page 10).

The examiner respectfully disagrees. FIG. 1 illustrates, each of node segments 136, 138 and 140 interfaced with its associated statistics collection system 110 (114, 116 and 118). Statistics collection units 114, 116 and 118 may communicate with node segments 136, 138 and 140 via dedicated network management functionality communication links 154, 156 and 158. Each statistics collection unit 114, 116 and 118 is responsible for gathering the appropriate statistics within its associated node segment 136, 138 and 140 in one or more statistics files 128, 130 and 132. Statistics collection units 114, 116 and 118 typically use a general purpose

computer with specialized network management software operating thereon which gathers and analyzes statistics from their segments 136, 138 and 140. The statistics collection units are interfaced with each node segments to transfer application issue data or error. Accordingly, the above argument is not persuasive.

d) The Applicant asserted, "summarize the errors detected and writes a summary record referenced by the Office Action could not be found in Col.3, lines 55-65. Even assuming the quote is nevertheless accurate, it still would not teach or suggest the "customizable user interface" clause of Claim 1" (page 11).

The examiner respectfully submits that summarize the errors detected and writes a summary record is cited in col. 9:10-30. Once the errors detected are summarized according to the type of error, each integrity error and collection error is associated with a priority value, indicated in columns 610 and 612 respectively. The priority values in configuration file 304 are user configurable. (Col.8:15-20, emphasis added). The user can customize the priority value according to the alarms raised to a terminal. Therefore, the above argument is not persuasive.

e) The Applicant asserted, "presenting the aggregated application issue data visually to the developer of the one or more software application by providing a user selectable control for altering the order in which the application issues are presented." (page 12).

The examiner respectfully disagrees. FIG. 5, table 500 shows how aggregated application issues are presented. Row 502 describes the "Object Down" error type. An "Object Down" error

type occurs when the object in network cloud 102, i.e. node, card, device or connection, does not respond to the statistics request and is presumed to be unavailable. In addition to the above FIG. 6 also illustrates how configuration file has displayed two section of integrity error. For "Object Down" error type, column 608 of row 622 indicates that if more than "12" errors of this type occur in an interval, error monitor 302 will communicate with network manager 310 to raise an alarm, described later. Error monitor 302 does not search in aggregated statistics file for error types with a threshold value of "0". The threshold values in configuration file 304 are user configurable. (col. 7:65-67 and col. 8:1-15, emphasis added). Therefore, the above argument is not persuasive.

f) The Applicant asserted, "neither FIGURE 7, nor the text related to it describes or even remotely suggests the possibility of a user-selectable page control" (page 12)

The examiner respectfully disagrees that each integrity error and collection error is associated with a priority value, indicated in columns 610 and 612 respectively. The priority values in configuration file 304 are user configurable. (Col.8:15-20, emphasis added). Accordingly, the above arguments are not persuasive. The examiner respectfully maintains ground of rejection over claims 1-19 and 21-25.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAC T. TECKLU whose telephone number is (571)272-7957. The examiner can normally be reached on M-TH 9:300A - 8:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2192

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Isaac T Tecklu/

Examiner, Art Unit 2192

/Tuan Q. Dam/

Supervisory Patent Examiner, Art Unit 2192